

REMARKS

By the *Office Action* marked non-final of 11 June 2008, Claims 21-34 are pending in the Application, with Claims 21-34 being rejected. Claims 21, 25, 26, 29 and 32 are independent claims. Applicant and Applicant's counsel thank the Examiner with appreciation for the careful examination. No new matter is believed introduced by this submission.

Applicant files this *Response to Office Action* solely to facilitate prosecution. As such, Applicant reserves the right to pursue claims of broader or similar scope as originally filed in a continuation application or other application after allowance of the present application. Applicant does not concede that the current or past rejections are correct and reserve the right to challenge such rejections later in prosecution or on appeal. Accordingly, any amendment, argument, or claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

After entry of this *Response to Office Action*, Claims 21-34 are pending with Claims 35-51 being withdrawn. Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests reconsideration of the claims in light of the following remarks.

I. Rejection Of Claims 21-34 Under 35 USC § 101

The Examiner rejects claims 21-34 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner states that the preamble of the first claim recites "A system," and that the claim as a whole recites the steps of intended use of a structure. Thus the preamble fails to give "life, meaning, vitality" to the claim as a whole. Additionally the Examiner states that claim 21 as a whole merely recites steps in the abstract for use in controlling access of a user to a service without producing any useful, concrete, and tangible result.

Applicant respectfully traverses. Claim 21 does not recite "A system". Claim 21 is directed to a method of controlling access of a user to a service (in a communication network) as is also clear from the limitations of the claim (e.g. "obtaining a first, transient identifier associated with a communication session of said user over an anonymous network"). This itself is a useful, concrete and tangible result, since a user can either be given access to the service or

can be denied access to the service (see MPEP 2106).

The limitations of the claim provide a clear process to be performed to determine if the user should be given access or denied access to a service over a communications network. The question of whether the preamble is necessary to give life and meaning to the claim is irrelevant since the limitations speak for themselves. The third limitation of the claim clearly states "controlling access based on said second identifier".

Providing access to a service or denying access to a service is not an abstract idea, see for example paragraph [0042] of the publication (US 2001/0034718) regarding providing access to an email account, or paragraph [0043] regarding providing access to an online banking service.

In view of the above explanation applicant respectfully requests reconsideration of the rejection under 35 U.S.C. §101.

Likewise claims 22-34 provide similar useful and tangible methods or systems (claim 32) to be practiced in communication networks and should also be considered patentable.

II. Rejection Of Claims 21-34 Under 35 USC § 102

The Examiner rejects Claims 21-34 under 35 U.S.C. §102(e) as being obvious over U.S. Patent No. 6,731,625 to Eastep ("Eastep"). Applicant respectfully traverses.

In Claim 21, the method requires "obtaining a first, transient identifier associated with a communication session of said user over an anonymous network" (for example an IP address which is provided by the network access provider for the specific session (and not related to the identity of the user), wherein the user is essentially anonymous to the network). In contrast in Eastep the user connects with a specific caller ID (e.g. the users telephone number), which is a unique identifier and not transient. See for example Col. 23 lines 1-4, which states that call validation is based also on the telephone number of the calling party. Thus, the identifier in Eastep is not transient and the network is not an anonymous network as required by Claim 21.

Regarding the first limitation of claim 21, the Examiner states that Eastep teaches an anonymous network in col. 200 lines 6-19. Applicant respectfully disagrees. In the quoted paragraph Eastep discusses provision of a secure FTP service in a UNIX environment. Eastep suggests disabling access to the service from the standard unauthenticated accounts, namely: guest and anonymous, to enhance security. Eastep does not discuss an anonymous network

explicitly or implicitly.

Regarding the second limitation the Examiner states that in col. 22 lines 45-68 Eastep teaches "obtaining a second identifier associated with persistent real-world information of said user from a network access provider (NAP) through which said user is connected to said service, said second identifier associated with said first identifier at said NAP". Applicant respectfully disagrees. Eastep describes using an agent to gather all the relevant information from the calling party including the telephone number of the called party. Eastep does not describe obtaining a second identifier from a network access provider based on a first transient identifier.

Regarding the third limitation "controlling access based on said second identifier", the Examiner points to col. 2 lines 1-38. Applicant respectfully traverses. In col. 2 lines 30-35 Eastep teaches that "A telephony order entry procedure captures complete user profile information for a callback operation. This profile information is used by the system throughout the telephony experience for routing, billing, monitoring, reporting...". This is contrary to the requirements of the claim that the access be controlled based on the second identifier and not based on the entire profile of the user.

Claim 25 includes the limitation "obtaining by a network device an identifier associated with a telephone line accessing a data network" (for example determining the identity of the telephone line used by the user to access the Internet). Applicant has not found such a limitation in Eastep.

The Examiner points to Fig. 73 and Fig. 76 to show this limitation. Applicant respectfully traverses. Eastep states that FIG. 73 illustrates the process by which a telephone connects to a release link trunk for 1-800 call processing in accordance with a preferred embodiment; and FIG. 76 illustrates the operation of a computer-based voice gateway for selectively routing telephone calls through the Internet in accordance with a preferred embodiment. The figures show routing methods (e.g. using connections and gateways). There is no mention of obtaining an identifier.

The Examiner points to col. 13 lines 55-65 and to fig. 10A to teach the second limitation of this claim "sending said identifier to be associated with a telephone call to a terminating telephone network". Applicant respectfully traverses. Col. 13 lines 55-56 contains a list of

communication protocols and does not disclose such a "sending". Likewise FIG. 10A illustrates a Public Switched Telephone Network (PSTN) 1000 comprising a Local Exchange Carrier (LEC) 1020 through which a calling party uses a telephone 1021 or computer 1030 to gain access to a switched network in accordance with a preferred embodiment. Fig. 10A does not disclose the action of sending an identifier as required by the claim.

Claim 26 includes the limitation "reporting said user as an adult if said account details pertain only to users above a predetermined age". Applicant has not found such a limitation in Eastep. The Examiner states that the limitations of this claim are taught by Figs 1C-1G and Figs 4-5. Applicant respectfully traverses. Eastep states that:

FIG. 1C is a block diagram of an internet telephony system in accordance with a preferred embodiment;

FIG. 1D is a block diagram of a hybrid switch in accordance with a preferred embodiment;

FIG. 1E is a block diagram of the connection of a hybrid switch in accordance with a preferred embodiment;

FIG. 1F is a block diagram of a hybrid (internet-telephony) switch in accordance with a preferred embodiment;

FIG. 1G is a block diagram showing the software processes involved in the hybrid internet telephony switch in accordance with a preferred embodiment;

FIG. 4 is a high-level process flowchart illustrating the logical system components in accordance with a preferred embodiment;

FIGS. 5-9 are process flowcharts illustrating the detailed operation of the components illustrated in FIG. 4 in accordance with a preferred embodiment.

There is no mention of age determination in these figures or of verifying a user as an adult as required by claim 26.

Claim 29 includes the limitation "Obtaining an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said data network". In Eastep (e.g. Col. 101 lines 1-38) there is taught identifying the computer or the user, but not the telephone line as required by Applicant's Claim 29. The Examiner points to col. 2

lines 25-38 and Fig 10A to teach the claim. Applicant respectfully traverses. Eastep teaches that an order entry procedure captures complete user profile information for a call-back operation. The user can provide any telephone number (e.g. his office number or his mobile number) for the call-back operation. Eastep does not teach "Obtaining an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said data network". Likewise FIG. 10A illustrates a Public Switched Telephone Network (PSTN) 1000 comprising a Local Exchange Carrier (LEC) 1020 through which a calling party uses a telephone 1021 or computer 1030 to gain access to a switched network in accordance with a preferred embodiment. Fig. 10A does not disclose the action of obtaining an identifier as required by claim 29.

The Examiner further states that Figures 93-94B teach the first limitation of the claim. Eastep states that:

FIG. 93 is a control flow diagram illustrating the processing of a received Network Call Identifier in accordance with a preferred embodiment;

FIG. 94(A) is a control flow diagram illustrating the generation of a Network Call Identifier in accordance with a preferred embodiment;

FIG. 94(B) is a control flow diagram illustrating the addition of a Network Call Identifier to a call record in accordance with a preferred embodiment.

However In col. 279 lines 9-18 Eastep explains:

"Network Call Identifier - This embodiment solves the problem of uniquely identifying each telephone call and all of the call records associated with a specific telephone call by providing a unique identifier to each call record. It generates a network call identifier (NCID) that is assigned to each call record at the point of call origination, that is, the originating switch generates an NCID for each telephone call. The NCID accompanies the associated telephone call through the telecommunications network to the termination point at the terminating switch. Therefore, at any point of a telephone call in the network, the associated NCID identifies the point and time of origin of the telephone call.

Thus in Eastep the identifier identifies the originating switch that received the call and not the telephone line that generated the call as required by the claim.

The Examiner further states that col. 20 lines 18-39 and Fig. 19 teach the second

limitation of the claim. Applicant respectfully traverses. Col. 20 discusses an MCI switch that routes and connects the caller and called parties. The quoted paragraph does not disclose "associating said identifier with information for contacting said user over said network".

FIGS. 19A and 19B illustrates an Intelligent Network in accordance with a preferred embodiment;

FIG. 19C illustrates a Video-Conferencing Architecture in accordance with preferred embodiment;

FIG. 19D illustrates a Video Store and Forward Architecture in accordance with a preferred embodiment;

FIG. 19E illustrates an architecture for transmitting video telephony over the Internet in accordance with a preferred embodiment;

FIG. 19F is a block diagram of an internet telephony system in accordance with a preferred embodiment;

FIG. 19G is a block diagram of a prioritizing access/router in accordance with a preferred embodiment;

None of Figures 19 suggest the above second limitation.

The Examiner further states that the abstract and Figures 51, 59 and 71 teach the third limitation of the claim: "configuring incoming telephone calls to said user according to said information". Since Eastep does not teach obtaining the identifier he cannot configure incoming calls according to the identifier.

Claim 32 includes the limitation "an extraction unit able to extract an identifier of a telephone line connecting a user to a data network from a network side of a connection between said user and said network". As with Claim 29 Eastep does not teach these limitations. The Examiner states that col. 38 lines 37-61, figures 5 and 50 teach the limitation. Applicant respectfully traverses. In col. 38 Eastep discusses using the network call identifier, however as explained regarding claim 29 this network call identifier does not represent an identifier of a telephone line connecting a user to a data network as required by the claim. Neither figure 5 nor figure 50 disclose the above limitation.

Anticipation of a claim requires that the reference must teach all the limitations of the claim and Eastep lacks one or more of the limitations from each of the independent claims, therefore Eastep does not anticipate the claims. Accordingly, independent Claims 21, 25, 26, 29, and 32 are allowable, and all claims depending from these independent claims, Claims 22-24, 27-28, 30-31, and 33-34, are also allowable.

III. Fees

This *Response to Office Action* is being filed within four months of the *Office Action*. Therefore, other than the one-month petition for extension of time, for which a petition for extension of time has been filed herewith, no other fees are believed due. If any additional fee is due, please charge any underpayment or credit any overpayment to Deposit Account No. 20-1507.

CONCLUSION

By the present *Response to Restriction Requirement Office Action*, Claims 21-34 have been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3695.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date via the EFS-Web electronic filing system.

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